

**ZONING COMMITTEE
MINUTES
WEDNESDAY, MAY 31, 2006**

The regularly scheduled meeting of the Zoning Committee was held on **Wednesday, May 31, 2006** in Committee Room #2, at 12: 15 p.m.

The following members were present:

**The Honorable Carla Smith, Chair
The Honorable Mary Norwood, Vice Chair
The Honorable Howard Shook
The Honorable C. T. Martin
The Honorable Anne Fauver**

The following members were absent:

**The Honorable Joyce Sheperd
The Honorable Natalyn Archibong**

Others present at the meeting were Charletta Wilson Jacks, Zoning Administrator, Department of Planning and Community Development; Lem Ward, Terry Grandison, and Jeffrey Haymore, Law Department; and members of the Public and Council staff.

- A. ADOPTION OF AGENDA – ADOPTED AS AMENDED BY ADDING ONE
PIECE OF LEGISLATION**
- B. APPROVAL OF MINUTES - APPROVED**
- C. PRESENTATION – Mr. Cooper Pierce with the Infill Professional
Committee gave a brief presentation on their
recommendations and findings on Infill
Housing.**

CONSENT AGENDA

D. ORDINANCES FOR FIRST READING

06-O-1069 (1) An Ordinance by Zoning Committee to rezone from the R-3
Z-06-54 (Single-Family Residential) District to the R-4 (Single-Family
Residential) District, property located at **1658 Willis Mill
Road, SW**, fronting approximately 285 feet on the east side
of Willis Mill Road.

Depth:	Varies
Area:	Approximately 7.05 Acres
Land Lot:	200, 14 th District, Fulton County, Georgia
Owner:	Alvin M. Thomas
Applicant:	Georgia A. Smith

NPU-R

Council District 11

TO BE REFERRED TO ZRB AND ZONING COMMITTEE

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CONSENT AGENDA

D. ORDINANCES FOR FIRST READING (CONT'D)

06-O-1070 (2)
Z-06-60

An Ordinance by Zoning Committee to rezone from the R-3 (Single-Family Residential) District to the RG-2 (Residential General-Sector 2) District, property located at **2225 Bohler Road, NW**, fronting approximately 134.52 feet on the east side of Bohler Road.

Depth: Varies
 Area: Approximately 0.994 Acre
 Land Lot: 194, 17th District, Fulton County, Georgia
 Owner: Richard S. Childers and David F. Childers
 Applicant: Richard S. Childers

NPU-C **Council District 9**

TO BE REFERRED TO ZRB AND ZONING COMMITTEE

06-O-1071 (3)
Z-06-61

An Ordinance by Zoning Committee to rezone from the RL-C (Residential Limited-Commercial) and C-1-C (Community Business-Conditional) Districts to the C-1-C (Community Business-Conditional) District, property located at **524, 526 and 530 East Paces Ferry Road, NE and 3081 Maple Drive, NE**, fronting approximately 162 feet on the north side of East Paces Ferry Road and approximately 68 feet on the east side of Maple Drive.

Depth: Varies

Area: Approximately 1.25 Acres

Land Lot: 61, 17th District, Fulton County, Georgia

Owner: East Paces Partners, LLC

Applicant: Parkside Partners, Inc., C/O Richard S. Bent/Woody Galloway

NPU-B **Council District 7**

TO BE REFERRED TO ZRB AND ZONING COMMITTEE

06-O-1072 (4)
Z-06-62

An Ordinance by Zoning Committee to rezone from the RG-4 (Residential General-Sector 4) District to the MRC-3 (Mixed Residential Commercial) District, property located at **547, 553, 559-565 Boulevard, NE and 489 Boulevard Place, NE**, fronting approximately 186 feet on the east side of Boulevard and approximately 143 feet on the south side of Boulevard Place.

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CONSENT AGENDA

D. ORDINANCES FOR FIRST READING (CONT'D)

Depth: Varies
Area: 0.70 Acre
Land Lot: 47, 14th District, Fulton County, Georgia
Owner: Gabriella Nanci
Applicant: Stephen M. Denton
NPU-M Council District 2

TO BE REFERRED TO ZRB AND ZONING COMMITTEE

06-O-1073 (5)
Z-06-63 An Ordinance by Zoning Committee to rezone from the C-1 (Community Business) District and R-5 (Two-Family Residential District to the C-1 (Community Business) District property located at **1131 State Street (aka 348 14th Street, NW.) 1129 State Street, NW and 1132 Atlantic Drive, NW,** fronting approximately 224 feet on the south side of 14th Street, approximately 200 feet on the east side of State Street and approximately 100 feet on the west side of Atlantic Street.
Depth: Varies
Area: 1.176 Acres
Land Lot: 149, 17th District, Fulton County, Georgia
Owner: Joseph C. Delmonte, BOP, LLC John Porter 2/Ariest Porter, Sam Porter and Rosemary Porter
Applicant: Metro Group Development C/O Stephe F. Fusco, Esq.
NPU-E Council District 2

TO BE REFERRED TO ZRB AND ZONING COMMITTEE

06-O-1074 (6)
Z-06-64 An Ordinance by Zoning Committee designating the DuPre Manufacturing Company Mill (a/k/a Excelsior Mill and the Masquerade), located at **695 North Avenue, NE,** Land Lot 18, of the 14th District of Fulton County, Georgia and certain real property on which it is located, to the overlay Zoning Designation of Landmark Building or site pursuant to Chapter 20 of the Zoning Ordinance of the City of Atlanta and rezoning from PD-MU (Planned Development-Mixed Use)

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CONSENT AGENDA

D. ORDINANCES FOR FIRST READING (CONT'D)

to PD-MU/LBS (Planned Development-Mixed Use/Landmark Building or Site); to repeal conflicting Laws; and for other purposes.

TO BE REFERRED TO ZRB AND ZONING COMMITTEE

06-O-1075 (7)
U-06-10 An Ordinance by Zoning Committee granting a Special Use Permit for a Personal Care Home, pursuant to Section 16-06.005 (1)(g), property located at **643 Cedar Avenue, NW**, fronting approximately 100 feet on the east side of Cedar Avenue.

Depth: Varies
Area: Approximately 0.53 Acre
Land Lot: 177, 14th District, Fulton County, Georgia
Owner: Chudnee B. Hunter
Applicant: Chudnee B. Hunter

NPU-J

Council District 9

TO BE REFERRED TO ZRB AND ZONING COMMITTEE

06-O-1076 (8)
U-06-12 An Ordinance by Zoning Committee granting a Special Use Permit for a Church and other worship facilities, pursuant to Section 16-06.005 (1)(c), property located at **745 Bolton Road, NW (also addressed as 741 Bolton Road, NW)**, fronting approximately 325 feet on the south side of Bolton Road.

Depth: Varies
Area: 5.115 Acres
Land Lot: 241, 14th District, Fulton County, Georgia
Owner: Pleasant Hill Baptist Church
Applicant: George A. Smith

NPU-H

Council District 10

TO BE REFERRED TO ZRB AND ZONING COMMITTEE

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CONSENT AGENDA

D. ORDINANCES FOR FIRST READING (CONT'D)

06-O-1190 (9) An Ordinance by Zoning Committee granting a Special Use
U-06-13 Permit for a Cemetery pursuant to Section 16-08.005 (1) (a),
property located at **788, 846 and 856 Canterbury Road, NE**, fronting approximately 237 feet on the north side of Canterbury Road.
Depth: Varies
Area: Approximately 3.625 Acres
Land Lots: 7 and 47, 17th District, Fulton County, Georgia
Owner: Joan King, Beverly Sams and Abdul Karen Ahmed
Applicant: Capital Partners Development, Inc., C/O Laurel A. David, Esquire/Dillard and Galloway, LLC

NPU-B

Council District 7

TO BE REFERRED TO ZRB AND ZONING COMMITTEE

06-O-1191 (10) An Ordinance by Zoning Committee granting a Special Use
U-06-14 Permit for a Rehabilitation Center (Section 16-11.005 (1)(e),
property located at **540 Mobile Avenue, SW**, fronting approximately 205 feet on the south side of Mobile Avenue and approximately 200 feet east of the intersection of Mobile Avenue and Metropolitan Parkway.
Depth: Varies
Area: Approximately 1.32 Acres
Land Lot: 90, 14th District, Fulton County, Georgia
Owner: Valerie D. Cater
Applicant: Valerie D. Cater

NPU-X

Council District 12

TO BE REFERRED TO ZRB AND ZONING COMMITTEE

REGULAR AGENDA

E. ZRB SUMMARY REPORT - (SEE ATTACHED LIST)

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F. PAPERS HELD IN COMMITTEE

06-O-0038 (1)
Z-05-56 An Ordinance by Councilmember Carla Smith to amend Various Sections of the Zoning Code of the City of Atlanta, for the purpose of clarifying and/or defining certain terms related to Supportive Housing; to provide how applications for such uses are to be processed; defining the term Community Center and removing certain redundant terms related to such use; redefining the conditions under which dormitories, Sorority Houses and Fraternity Houses are permitted; deleting rooming houses and boarding houses as permitted uses in certain districts; and for other purposes. **(Held 2/1/06) (Held for further review)**

HELD

06-O-0273 (2) An Ordinance by Councilmembers Carla Smith, Ivory Lee Young, Jr. and Cleta Winslow correcting Ordinance Number 04-O-0179/Z-04-24 which amended Section 16-29.001(16) "Human Services" including Personal Care Homes, Rehabilitation Centers and Nursing Homes by clarifying and/or redefining certain terms; and for other purposes. **(Held 2/1/06) (Held for further review)**

HELD

06-O-0495 (3) An Ordinance by Councilmember Clair Muller to amend Part 15 of the Land Development Code of the Code of Ordinances of the City of Atlanta to allow for the creation of Conservation Subdivisions in the City of Atlanta and to provide standards for their implementation; and for other purposes. **(Held 2/15/06) (Held for further review)**

HELD

06-O-0286 (4)
Z-06-05 An Ordinance by Zoning Committee to rezone from the RG-4-C-HBS (Residential General-Sector 4 Conditional-Historic Building/Site) and RG-4-C (Residential General-Sector 4-Conditional) Districts, to the RG-4-C (Residential General-Sector 4-Conditional) District, property located at **2494 and 2510 Peachtree Road (a.k.a. 2500 Peachtree Road), NE**, fronting approximately 387.76 feet on the west side of Peachtree Road, beginning 400 feet from the southwest corner of Muscogee Avenue and Peachtree Road. **(Held 3/29/06) (Held for further review)**

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F. PAPERS HELD IN COMMITTEE (CONT'D)

Depth: Varies
Area: Approximately 3.086 Acres
Land Lot: 112, 17th District, Fulton County, Georgia
Owner: 2500 Peachtree Condominium Association, Inc.
Applicant: 2500 Peachtree Condominium Association, Inc.
NPU-C Council District 8

HELD

06-O-0500 (5)
U-06-03 An Ordinance by Zoning Committee granting a Special Use Permit for a Personal Care Home (Section 16-06.005 (1) (g)) property located at **256 Oakcliff Court, SW.** Property fronting approximately 65 feet on the north side of Oakcliff Court. Land Lot 77, 14th District, Fulton County, Georgia.
(Held 4/26/06)
Owner: Doris J. Barton
Applicant: Doris J. Barton
NPU-H Council District 11

HELD

06-O-0146 (6)
Z-05-135 An Ordinance by Zoning Committee to rezone from the C-3 (Commercial Residential) District and the R-4 (Single-Family Residential) District to the C-3-C (Commercial Residential-Conditional) District, property located at **1891, 1895 and 1875 Peachtree Road, NE,** fronting approximately 300 feet on the east side of Peachtree Street, beginning 500 feet northeast of Palisades. **(Held 4/26/06)**
(Held for further discussion and review of the Site Plan)
Depth: Varies
Area: Approximately 1.78 Acres
Land Lot: 110, 17th District, Fulton County, Georgia
Owner: Semah, Inc., RBW Holdings, LLC/James Cunningham c/o Scott Schulten
Applicant: The Paradise Group
NPU-E Council District 7

HELD

**SUMMARY REPORT
ZONING COMMITTEE
May 31, 2006**

LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM.	ZRB RECOMM.
<u>FAVORABLE</u>						
06-O-0697	Z-06-33	Text Amendment T-4	R-5/HD to R-4A/HD	Approval	Approval	Approval
Councilmember Smith made a motion to approve. The vote was unanimous.						
<u>FAVORABLE ON SUBSTITUTE</u>						
06-O-0032	Z-05-46	Text Amendment V-4	SPI-18-Mechanicsville Neighborhood SPI, create a new Subarea 10- McDaniel-Glenn Mixed- Use and to amend the Zoning Map	Approval of Substitute Ordinance	Approval	Approval of Substitute Ordinance
Councilmember Smith made a motion to approve on substitute. The vote was unanimous.						
<u>FAVORABLE AS AMENDED</u>						
06-O-0468	Z-06-19	Text Amendment S-4	R-5/HD to R-4A/HD	Approval of Amended Ordinance	Approval	Approval of Amended Ordinance
06-O-0506	Z-05-110	1812 Woodland Hills Avenue, N.W. D-9	R-4 to PD-H	Approval Conditional	Approval	Approval Conditional
06-O-0688	Z-06-26	2412 James Jackson Parkway, N.W. D-9	Site Plan Amendment	Approval Conditional	Approval Conditional	Approval Conditional
06-O-0689	Z-06-27	880 Confederate Avenue, S.E. W-1	Site Plan Amendment	Approval	Approval Conditional	Approval Conditional
06-O-0690	Z-06-28	1315 Northwest Drive, N.W. D-9	R-4A to RG-2-C	Approval Conditional	Approval Conditional	Approval Conditional

**SUMMARY REPORT
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LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM.	ZRB RECOMM.
<u>FAVORABLE AS AMENDED</u>						
06-O-0778	U-06-05	3709 and 3719 Bakers Ferry Road, S.W. H-10	Special Use Permit for a Community Service Facility	Approval Conditional	Approval	Approval Conditional
06-O-0577	Z-06-12	1275 Ellsworth Industrial Boulevard, N.W. D-9	I-2 to MRC-3-C	Approval Conditional	Approval Conditional	Approval Conditional
Councilmember Smith made a motion to approve as amended. The vote was unanimous.						
<u>ADVERSE</u>						
06-O-0566	U-06-04	121 Thayer Avenue, S.E. Y-1	Special Use Permit for a Personal Care Home	Denial	Denial	Denial
Councilmember Smith made a motion to adverse. The vote was unanimous.						
<u>FILE</u>						
06-O-0572	Z-06-17	211 Joseph E. Lowery, S.W. T-4	R-5 to MR-3	File	Deferral	File
06-O-0141	Z-05-127	2925 Browns Mill Road, S.E. Z-12	R-4 to PD-H	File	Deferral	File

Councilmember Smith made a motion to file. The vote was unanimous.

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G. ITEM NOT ON THE AGENDA

06-O-1203 (1) An Ordinance by Zoning Committee to rezone from the
Z-06-66 R-5 (Two-Family Residential) District to the MR-3 (Multi-
*** Family Residential) District, property located at **140 Mayson**
 Avenue, NE and 1472 (also known as 1470) Chipley
 Street, NE.

Land Lot: 209, 15th District, Dekalb, County,
 Georgia

NPU-O

Council District 5

TO BE REFERRED TO ZRB AND ZONING COMMITTEE

There being no further business to come before the Zoning Committee the meeting was adjourned at 12:30 p.m.

Respectfully submitted:



Angela H. Campbell, Legislative Secretary



Alfred Berry, Jr., Research & Policy Analyst



The Honorable Carla Smith, Chairperson